

### REMARKS

Applicant respectfully traverses and requests reconsideration.

The final action indicates that claim 39 is allowed and that claim 3 would be allowable if written in independent form. Applicant has amended all of the independent claims to include subject matter from allowable claim 3 and as such the independent claims are believed to be in condition for allowance. In addition, applicant respectfully submits that the dependent claims also include novel and nonobvious subject matter.

Claims 16-17, 19-21, 24-29-38 and 40-44 stand rejected under 35 U.S.C. § 101 as allegedly being directed to “software per se”. Applicant respectfully requests reconsideration as set forth in specification, the claimed apparatus may employ executing software applications. Applicant is not claiming software per se (i.e., software instruction written on paper) as there is no mention of software per se cited in the application. To the contrary, the mention of software applications refers to apparatus implementations that employ actual software code that is stored in a storage medium and/or executed by more and more processing devices. As such applicants respectfully submit that one of ordinary skill in the art would not read the claim to be directed to non-statutory subject matter.

The examiner is invited to contact the below listed attorney if the examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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By: /Christopher J. Reckamp/  
Christopher J. Reckamp  
Registration No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.  
222 N. LaSalle Street  
Chicago, Illinois 60601  
Phone: (312) 609-7599  
Fax: (312) 609-5005  
Email: [creckamp@vedderprice.com](mailto:creckamp@vedderprice.com)